

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MARYLAND

1 KAREEM-ALI MUHAMMAD;

2
3
4 ,Plaintiff.

5 Case No. : ELH12 CV 0964

6 -v-

7
8 FINANCIAL RECOVERY SERVICES, INC (herein "FRS")
9 BRIAN BOWERS ("PRESIDENT")
10 BRADLEY J BOWERS ("CEO")
11 (JOHN DOE 1 - 10) , ET AL

FILED
LODGED
ENTERED
RECEIVED

MAR 28 2012

12
13 Defendant(s)

CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND
BY DEPUTY

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16 **COMPLAINT AND DEMAND FOR JURY TRIAL**

17 (Violations of the Fair Debt Collections Practices Act)

18 Plaintiff, Kareem-Ali Muhammad hereby sues Defendant(s); FINANCIAL RECOVERY SERVICES,
19 INC (herein "FRS"); BRIAN BOWERS ("PRESIDENT"); BRADLEY J BOWERS ("CEO") JOHN
20 DOE (1 - 10) and alleges:

21
22 **PRELIMINARY STATEMENT**

23 This is an action for damages brought for damages for violations of the Fair Debt
24 Collection Practices Act ("FDCPA") 15 U.S.C. §§ 1692 – 1692(p)

25 **JURISDICTION AND VENUE**

- 26 1. The jurisdiction of this Court is conferred by § 1332 et seq, the private right of
27 action statute of the Fair Debt Practices Act ("FDCPA")
28 2. Venue is proper in this District pursuant to 28 U.S.C. §1331.
29 3. This is an action for damages which do not exceed \$10,000.00.

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30 4. Plaintiff, **Kareem-Ali Muhammad**, is a natural person and is a resident of the State
31 of Maryland.

34 6. Defendant, BRIAN BOWERS ("PRESIDENT"); is a natural person, unauthorized to
35 do business in Maryland as a debt collector, being sued in his/her private capacity.

36 7. Defendant, BRADLEY J BOWERS ("CEO"); is a natural person, unauthorized to do
37 business in Maryland as a debt collector, being sued in his/her private capacity.

FACTUAL ALLEGATIONS

40 8. On 01/2011 and 02/2012, Defendant(s) willfully accessed my credit report without
41 permissible purpose.

42 9. On 08/15/2011, mailed via United States Postal Service to Defendants
43 correspondence to defendant's address disputing the non-existent debt and to stop
44 calling.

45 10. On September 7th 2011, Plaintiff spoke to FRS and demanded for them to cease
46 and desist calling his telephone number 404-587-4382.

47 11. Defendants, FRS continued to call in September and November of 2011.

48 12. On 01/29/2012, Plaintiff sent a letter via United State Postal Service certified mail,
49 7011 0470 000 1008 3420, disputing the non-existent debt.

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- 50 13. On 02/14/2012, Defendant's sent another letter attempting to collect a debt with
51 Plaintiff's certified letter attached.
- 52 14. The letter from Defendant's on 02/14/2012 stated "We are returning the attached
53 payment or correspondence because we are unable to locate the account on our
54 system..." .
- 55 15. The letter from Defendants on 02/14/2012, stated "If you have any questions or
56 comments, please contact us..."
- 57 16. The same letter from Defendants ended his letter "This is an attempt to collect a
58 debt. Any Information obtained will be used for that purpose. This communication is
59 from a debt collector."
- 60 17. On 02/19/2012, Plaintiff filed a complaint with the Better Business Bureau
61 Complaint Case# 57222205.
- 62 18. On 02/20/2012, Defendants letter stated that Plaintiff had an "alleged" account and
63 stating that communication is from a debt collection company. Admitting to attempt to
64 collect a non-existent debt.
- 65 19. When Plaintiff called to speak with Brian Bowers, He yelled at Plaintiff and stated
66 that he is going to call the Police to arrest me.
- 67 20. On 02/22/2012, Plaintiff responded via fax disputing defendants claim to attempt to
68 collect a debt.

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69 21. On 03/07/2012, Plaintiff sent a complaint to the Secretary of State and Maryland
70 **Financial Regulations.**

71 22. On 03/07/2012, Better Business Bureau stated that Plaintiff's complaint against
72 defendants, Financial Recovery Services "Your case will be reported in the company's
73 business review for other consumers to be aware of. It will remain on their record for 36
74 months."

75 23. Defendant(s) failed to show validation of the obligation to pay defendants within 30
76 days.

77 24. Defendant(s) failed to provide plaintiff's authorized signature that says she has an
78 contractual obligation to pay defendants.

COUNT I

VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT(FDCPA), U.S.C. 15 § 1692, WILLFUL NON-COMPLIANCE BY DEFENDANT, FINANCIAL RECOVERY SERVICES, INC (herein "FRS"); BRIAN BOWERS ("PRESIDENT"); BRADLEY J BOWERS ("CEO")

25. Paragraphs 1 through 21 are realleged as though fully set forth herein.

26. Plaintiff is a consumer within the meaning of the § 1692 a(3) Definition of a Consumer as any natural person obligated on or allegedly obligated on a debt.

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- 88 27. FINANCIAL RECOVERY SERVICES, INC (herein "FRS"); BRIAN BOWERS
89 ("PRESIDENT"); BRADLEY J BOWERS ("CEO") is by U.S.C. 15 § 1692 a(6) Definition
90 of a Debt Collector as collectors, collection agencies, lawyers, forms writers.
91 28. FINANCIAL RECOVERY SERVICES, INC (herein "FRS"); BRIAN BOWERS
92 ("PRESIDENT"); BRADLEY J BOWERS ("CEO") willfully violated the FDCPA.
93 Defendant's violations include, but are not limited to, the following:
94
95 a) FINANCIAL RECOVERY SERVICES, INC (herein "FRS"); BRIAN
96 BOWERS ("PRESIDENT"); BRADLEY J BOWERS ("CEO"), 15 U.S.C. §
97 1692 e(10) Any false representation or deceptive means to collect a debt or
98 obtain information about a consumer.
99 b) FINANCIAL RECOVERY SERVICES, INC (herein "FRS"); BRIAN
100 BOWERS ("PRESIDENT"); BRADLEY J BOWERS ("CEO"), 15 U.S.C. §
101 1692 b(2) Contact of Third Party: Stated that the consumer owes any debt,
102 c) Defendants used on two occasions, unfair means to collect a debt and
103 willfully violated 15 USC § 1692(d) Any unfair or unconscionable means to
104 collect or attempt to collect the alleged debt.
105 d) Defendants violated 15 U.S.C. § 1692 e(10) Any false representation or
106 deceptive means to collect a debt or obtain information about a consumer.

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- 107 e) Defendants violated 15 U.S.C. § 1692 e(11) Communication fail to contain
108 the mini-Miranda warning: "This is an attempt to collect a debt...
109 communication is from a debt collector."
110 f) Defendants was aware of the validation notice and willfully violated 15
111 U.S.C. § 1692 g Failure to send the consumer a 30-day validation notice
112 within five days of the initial communication.
113 g) Defendants was aware of the validation notice and willfully violated U.S.C.
114 15 § 1692 b(2) Contact of Third Party: Stated that the consumer owes any
115 debt.
116 h) Defendants violated 15 U.S.C. § 1692 d Any conduct the natural
117 consequence of which is to harass, oppress, or abuse any person.
118 i) Defendants violated 15 U.S.C. § 1692 d(2) Profane language or other
119 abusive language?
120 j) Defendants violated 15 U.S.C.
121 k) Defendants violated 15 U.S.C. § 1692 e(5) Threaten to take any action that
122 cannot legally be taken or that is not intended to be taken.
123 l) Defendants violated 15 U.S.C. § 1692 e(7) Consumer committed any crime
124 or other conduct in order to disgrace the consumer.

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- 125 m) Defendants violated 15 U.S.C § 1692 e(8) Threatens or communicates false
126 credit information, including the failure to communicate that a debt is
127 disputed.
128 n) Defendants violated twice, 15 U.S.C § 1692 e(11) Communication fail to
129 contain the mini-Miranda warning: "This is an attempt to collect a debt...
130 communication is from a debt collector."
131 o) Defendants violated 15 U.S.C § 1692 f(8) Any language or symbol on the
132 envelope that indicates the communication concerns debt collection.
133 p) Defendants violated 15 U.S.C § 1692 g(a)(1) Must state Amount of Debt.
134 q) Defendants violated 15 U.S.C § 1692 g(B) Collector must cease collection
135 efforts until debt is validated.

136
137 Notice that if there is a mistake in any of the pleadings allow plaintiff amend to
138 WHEREFORE, Plaintiff demands judgment for damages against FINANCIAL RECOVERY
139 SERVICES, INC (herein "FRS"); BRIAN BOWERS ("PRESIDENT"); BRADLEY J
140 BOWERS ("CEO"); JOHN DOE (1 - 10) for actual or statutory damages, and punitive
141 damages, attorney's fees and costs, pursuant to 15 U.S.C. §1692k and any additional
142 damages above the honorable court deems proper.

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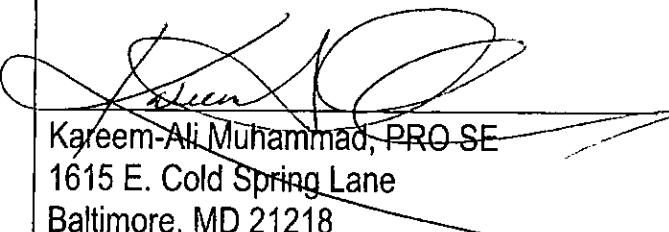
DEMAND FOR JURY TRIAL

146 Plaintiff hereby demands a trial by jury of all issues so triable as a matter of law.

147 Dated: 3/25/2012

148 Respectfully submitted,

149
150 Without prejudice,

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152 
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